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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,105	01/07/2004	Kevin Buckley	BUCKEV.001A	2766
20995 7590 12/14/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER BARRETT, SUZANNE LALE DINO	
			ART UNIT 3673	PAPER NUMBER
			NOTIFICATION DATE 12/14/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

## Office Action Summary

Application No.

10/753,105

Applicant(s)

BUCKLEY, KEVIN

Examiner

Suzanne Dino Barrett

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/26/07 has been entered.

### ***Claim Objections***

2. Claim 19 is objected to because of the following informalities: in line 3, insert – the— before housing for proper antecedent. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 892-cited NPL "U"- Fix-it manual for pop up sprinkler repair in view of Cline 7,043,946.

[http://books.google.com/books?vid=ISBN0895778718&id=MvtUgEZ2rnsC&pg=RA22-PA389&lpq=RA22-PA389&ots=h\\_PKYKTCyR&dq=pop+up++Sprinkler+repair&sig=AP8zExngD338yFiQey4f9KCAuEU](http://books.google.com/books?vid=ISBN0895778718&id=MvtUgEZ2rnsC&pg=RA22-PA389&lpq=RA22-PA389&ots=h_PKYKTCyR&dq=pop+up++Sprinkler+repair&sig=AP8zExngD338yFiQey4f9KCAuEU)

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New Fix-It-Yourself Manual By Reader's Digest

Page 389 Full screen

**Summary**

The indispensable bible for keeping a home in tip-top shape, it is the time- and money-saver every homeowner needs. It functions as a repair manual, an evaluation guide, a compendium of household hints, an emergency reference...

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The method limitations set forth in claims 13-19 are clearly taught by the method steps of repairing a sprinkler head which requires removing the cap and internal mechanisms, then replacing the sprinkler head in the ground when finished. It is

noted that the repair steps taught by the prior art read on the claimed method except for the newly added step of “placing a key in the cavity so as to conceal the key from view”. Cline clearly teaches taking an appliance type item (water heater 140), removing the cap (cover 120), and removing the internal mechanisms (water heater elements) to provide a cavity for storing or concealing items of value. Therefore, it would have been obvious to one of ordinary skill in the art, in view of the method steps taught by Reference “U” and Cline ‘946, to place a key in the cavity of a sprinkler (appliance) to conceal or store the key.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 13-19 have been considered but are moot in view of the new ground(s) of rejection. In response to applicant's arguments regarding claims 13-18, it is noted that these claims are directed to the method of forming (disassembly of the conventional sprinkler head), not the method of use of the final product key hiding device, therefore the modification in view of Cline does not change the method of disassembly taught by the Sprinkler Manual. In response to applicant's arguments with respect to the Cline reference, it is submitted that Cline also teaches in col. 1, lines 27-30, that it is well known to protect valuables by disguising them so that they are not readily recognized as such (see the further discussion of the soda pop can). Therefore, these arguments are not persuasive. Accordingly, it would have been obvious to one of ordinary skill in the lock art, where it is well known to use animate or inanimate objects to conceal or store keys (such as the well known dummy

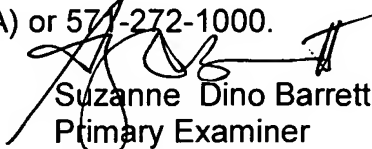
rock, beehive, dirt, wall cavities, water heater, etc), to place a key within a hollowed-out household appliance such as a sprinkler. Accordingly, claims 13-19 stand rejected.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Suzanne Dino Barrett  
Primary Examiner  
Art Unit 3673

sdb